

Senate Study Bill 3136 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SEGEBART)

A BILL FOR

1 An Act relating to the Iowa prescription monitoring program by
2 establishing an advisory committee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.551, subsection 1, Code 2018, is
2 amended to read as follows:

3 1. Contingent upon the receipt of funds pursuant to
4 section 124.557 sufficient to carry out the purposes of
5 this subchapter, the board, in conjunction with the advisory
6 ~~council~~ committee created in section 124.555, shall establish
7 and maintain an information program for drug prescribing and
8 dispensing.

9 Sec. 2. Section 124.552, subsection 1, paragraph 1, Code
10 2018, is amended to read as follows:

11 1. Other information identified by the board ~~and advisory~~
12 ~~council~~ by rule.

13 Sec. 3. Section 124.552, subsection 3, unnumbered paragraph
14 1, Code 2018, is amended to read as follows:

15 Information shall be timely transmitted as designated by the
16 board ~~and advisory council~~ by rule, unless the board grants an
17 extension. The board may grant an extension if either of the
18 following occurs:

19 Sec. 4. Section 124.553, subsection 1, paragraph b, Code
20 2018, is amended to read as follows:

21 b. An individual who requests the individual's own program
22 information in accordance with the procedure established in
23 rules of the board ~~and advisory council~~ adopted under section
24 124.554.

25 Sec. 5. Section 124.553, subsection 2, Code 2018, is amended
26 to read as follows:

27 2. The board shall maintain a record of each person that
28 requests information from the program. Pursuant to rules
29 adopted by the board ~~and advisory council~~ under section
30 124.554, the board may use the records to document and report
31 statistical information, and may provide program information
32 for statistical, public research, public policy, or educational
33 purposes, after removing personal identifying information of a
34 patient, prescribing practitioner, dispenser, or other person
35 who is identified in the information.

1 Sec. 6. Section 124.554, subsection 1, unnumbered paragraph
2 1, Code 2018, is amended to read as follows:

3 The board ~~and advisory council~~, in consultation with the
4 advisory committee, shall ~~jointly~~ adopt rules in accordance
5 with chapter 17A to carry out the purposes of, and to enforce
6 the provisions of, this subchapter. The rules shall include
7 but not be limited to the development of procedures relating
8 to:

9 Sec. 7. Section 124.554, subsection 1, paragraphs f and h,
10 Code 2018, are amended to read as follows:

11 *f.* Use by the board or advisory ~~council~~ committee of the
12 program request records required by section 124.553, subsection
13 2, to document and report statistical information.

14 *h.* Access by a pharmacist or prescribing practitioner to
15 information in the program pursuant to a written agreement with
16 the board ~~and advisory council~~.

17 Sec. 8. Section 124.554, subsection 2, Code 2018, is amended
18 to read as follows:

19 2. Beginning January ~~1, 2007~~ 15, 2019, and annually by
20 January ~~1~~ 15 thereafter, the board and advisory ~~council~~
21 committee shall present to the general assembly and the
22 governor a report prepared consistent with section 124.555,
23 subsection 3, paragraph "d", which shall include but not be
24 limited to the following:

25 *a.* The cost to the state of implementing and maintaining the
26 program.

27 *b.* Information from pharmacies, prescribing practitioners,
28 the board, the advisory ~~council~~ committee, and others regarding
29 the benefits or detriments of the program.

30 *c.* Information from pharmacies, prescribing practitioners,
31 the board, the advisory ~~council~~ committee, and others regarding
32 the board's effectiveness in providing information from the
33 program.

34 Sec. 9. Section 124.555, Code 2018, is amended to read as
35 follows:

1 **124.555 Advisory ~~council~~ committee established.**

2 An advisory ~~council~~ committee shall be established to
3 provide oversight to the board and the program and to comanage
4 program activities. The board ~~and~~, in consultation with
5 the advisory ~~council~~ committee, shall ~~jointly~~ adopt rules
6 specifying the duties and activities of the advisory ~~council~~
7 committee and related matters.

8 1. The ~~council~~ committee shall consist of ~~eight~~ a minimum
9 of four members appointed by the ~~governor~~ board. The members
10 shall include ~~three~~ but not be limited to at least one member
11 from each of the following categories: licensed pharmacists,
12 ~~four~~ physicians licensed under chapter 148, ~~and one~~ licensed
13 ~~prescribing practitioner~~ practitioners who ~~is~~ are not a
14 ~~physieian~~ physicians, and public members who are not health
15 care professionals. The ~~governor~~ shall ~~board~~ may solicit
16 recommendations for ~~council~~ committee members from Iowa health
17 professional licensing boards, associations, ~~and~~ societies,
18 and other interested groups. The license of each health care
19 professional member appointed to and serving on the advisory
20 ~~council~~ committee shall be current and in good standing with
21 the professional's licensing board.

22 2. The ~~council~~ committee shall advance the goals of the
23 program, which include identification of misuse and diversion
24 of controlled substances identified pursuant to section
25 124.554, subsection 1, paragraph "g", reduction of overdoses
26 and deaths as a result of prescription controlled substance
27 use and abuse, and enhancement of the quality of health care
28 delivery in this state.

29 3. Duties of the ~~council~~ committee shall include but not be
30 limited to the following:

31 a. Ensuring the confidentiality of the patient, prescribing
32 practitioner, and dispensing pharmacist and pharmacy.

33 b. Respecting and preserving the integrity of the patient's
34 treatment relationship with the patient's health care
35 providers.

1 *c.* Encouraging and facilitating cooperative efforts
2 among health care practitioners and other interested and
3 knowledgeable persons in developing best practices for
4 prescribing and dispensing controlled substances and in
5 educating health care practitioners and patients regarding
6 controlled substance use and abuse.

7 *d.* Making recommendations regarding the continued benefits
8 of maintaining the program in relationship to cost and other
9 burdens to the patient, prescribing practitioner, pharmacist,
10 and the board. The ~~council's~~ committee's recommendations shall
11 be included in reports required by section 124.554, subsection
12 2.

13 ~~*e.* One physician and one pharmacist member of the council~~
14 ~~shall include in their duties the responsibility for monitoring~~
15 ~~and ensuring that patient confidentiality, best interests, and~~
16 ~~civil liberties are at all times protected and preserved during~~
17 ~~the existence of the program.~~

18 4. Members of the advisory ~~council~~ committee shall
19 be eligible to request and receive actual expenses for
20 their duties as members of the advisory ~~council~~ committee,
21 subject to reimbursement limits imposed by the department of
22 administrative services, and shall also be eligible to receive
23 a per diem compensation as provided in section 7E.6, subsection
24 1.

25 Sec. 10. Section 124.556, Code 2018, is amended to read as
26 follows:

27 **124.556 Education and treatment.**

28 The program for drug prescribing and dispensing shall
29 include education initiatives and outreach to consumers,
30 prescribing practitioners, and pharmacists, and shall also
31 include assistance for identifying substance abuse treatment
32 programs and providers. The board and advisory ~~council~~
33 committee shall adopt rules, as provided under [section 124.554](#),
34 to implement [this section](#).

35 Sec. 11. TRANSITION — APPOINTMENT AND TERMS OF ADVISORY

1 COMMITTEE MEMBERS. This Act's amendments changing the name of
2 the "advisory council" to the "advisory committee" shall not
3 affect the appointment of a member who served on the advisory
4 council immediately prior to the effective date of this Act.
5 That member shall continue to serve on the advisory committee
6 at the pleasure of the governor.

7 Sec. 12. TRANSITION — ADMINISTRATIVE RULES AND OTHER
8 ACTIONS AND DOCUMENTS. Any rule, form, order, or directive
9 promulgated by the advisory council created in section 124.550,
10 in force and effect immediately prior to the effective date of
11 this Act, shall continue in full force and effect until the
12 earlier of the following:

13 1. It is amended, rescinded, or supplemented by the
14 affirmative actions of the board of pharmacy.

15 2. It expires by its own terms.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill alters the Iowa prescription monitoring program
20 (PMP) by establishing an advisory committee.

21 The bill eliminates the PMP advisory council and creates an
22 advisory committee to assume the duties of the advisory council
23 which include providing oversight to the board of pharmacy
24 and the PMP and comanaging PMP activities. Committee members
25 shall be appointed from among health care professionals and
26 the general public by the board in numbers to be determined
27 by the board, provided the committee consists of at least
28 four members. The bill provides that members of the advisory
29 council shall continue to serve on the advisory committee and
30 that any rule, form, order, or directive promulgated by the
31 advisory council shall continue to be in force and effect until
32 they are amended, rescinded, or supplemented by the board of
33 pharmacy or expire by their own terms.

34 The bill also changes the due date for annual reports to the
35 governor and the legislature regarding the program from January

S.F. _____

1 1 to January 15.